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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U S Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|--|--|-------------------------------|--|
| UTILITY PATENT APPLICATION TRANSMITTAL | | Attorney Docket No. | LEX-0251-USA |
| | | First Inventor | Fridle, et al. |
| | | Title | Novel Human Ion Channel Protein and Polynucleotides Encoding |
| (Only for new nonprovisional applications under 37 CFR 1.53 (b)) | | Express Mail Label No. | EL747066247US |

| | | | |
|--|--|---|--|
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application | | ADDRESS TO: | Assistant Commissioner for Patents Box Patent Application Washington, DC 20231 |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) | | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (<i>Appendix</i>) | |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | 8. Nucleotide and/or Amino Acid Sequence Submission (<i>if applicable, all necessary</i>) | |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 32] | | a. <input type="checkbox"/> Computer Readable Form (CRF) | |
| - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Description of the drawings (<i>if filed</i>) - Detailed Description of the Invention - Claim(s) - Abstract of the disclosure | | b. Specification Sequence Listing on: i. <input checked="" type="checkbox"/> diskette ii. <input checked="" type="checkbox"/> paper 3 pages | |
| 4. <input type="checkbox"/> Drawing(s)/(35 U.S.C.113) [Total Sheets] | | c. <input type="checkbox"/> Statements verifying identity of above copies | |
| 5. Oath or Declaration [Total Pages 2] | | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | |
| a. <input checked="" type="checkbox"/> Unexecuted | | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (<i>when there is an assignee</i>) <input checked="" type="checkbox"/> Power of Attorney | |
| b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (<i>for continuation/divisional with Box 18 completed</i>) | | 11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>) | |
| i. <input type="checkbox"/> DELETION OF INVENTOR(S) signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations | |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | | 13. <input type="checkbox"/> Preliminary Amendment | |
| 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: | | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (<i>Should be specifically itemized</i>) | |
| <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) | | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (<i>If foreign priority is claimed</i>) | |
| | | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent | |
| | | 17. <input type="checkbox"/> Other: | |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Prior application information:

Examiner _____

Group Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | | |
|--|---|--|-----------------------------------|--|--|
| <input type="checkbox"/> Customer Number or Bar Code Label | |  (Insert Customer No. or Attach bar code label here) | | or <input type="checkbox"/> Correspondence address below 24231 | |
| Name | PATENT TRADEMARK OFFICE | | | | |
| Address | | | | | |
| City | | State | | Zip | |
| Country | | Telephone | | Fax | |
| Name (Print/Type) | Lance K. Ishimoto | | Registration No. (Attorney/Agent) | 41,866 | |
| Signature | DAVID W. HUBER REG. NO. 41,071 Lance K. Ishimoto, David W. Huber | | Date | October 10, 2001 | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL

for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

| Complete if Known | |
|----------------------|----------------|
| Application Number | To be assigned |
| Filing Date | 10/10/01 |
| First Named Inventor | Friddle et al. |
| Examiner Name | To be assigned |
| Group Art Unit | To be assigned |
| Attorney Docket No. | LEX-0251-USA |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

50-0892

Deposit Account Name

Lexicon Genetics Incorporated

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status
 See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|--------------|-----------------|---------------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 101 | 740 | 201 | 370 Utility filing fee |
| 106 | 330 | 206 | 165 Design filing fee |
| 107 | 510 | 207 | 255 Plant filing fee |
| 108 | 740 | 208 | 370 Reissue filing fee |
| 114 | 160 | 214 | 80 Provisional filing fee |
| SUBTOTAL (1) | | | (\$370.00) |

2. EXTRA CLAIM FEES

| Paid | Extra Claims | Fee from below | Fee |
|--------------------|--------------|----------------|---------------|
| Total Claims | 4 -20**= | 0 X | = |
| Independent Claims | 4 -3**= | 1 X | 42.00 = 42.00 |
| Multiple Dependent | | | = |

| Large Entity | Small Entity | Fee Description |
|---------------------|--------------|--|
| Fee Code | Fee (\$) | Fee Code |
| 103 | 18 | 203 9 Claims in excess of 20 |
| 102 | 84 | 202 42 Independent claims in excess of 3 |
| 104 | 280 | 204 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 42 **Reissue independent claims over original patent |
| 110 | 18 | 210 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$42.00) |

**or number previously paid, if greater; For Reissues, see above

| 3. ADDITIONAL FEES | Large Entity | Small Entity | Fee Description | Fee Paid |
|-----------------------------------|--------------|--------------|---|---------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 105 | 130 | 205 | 65 Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 Non-English specification | |
| 147 | 2,520 | 147 | 2,520 For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* Requesting publication of SIR after | |
| 115 | 110 | 215 | 55 Extension for reply within first month | |
| 116 | 400 | 216 | 200 Extension for reply within second month | |
| 117 | 920 | 217 | 460 Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 Notice of Appeal | |
| 120 | 320 | 220 | 160 Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 Design issue fee | |
| 144 | 620 | 244 | 310 Plant issue fee | |
| 122 | 130 | 122 | 130 Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | |
| *Reduced by Basic Filing Fee Paid | | | | |
| SUBTOTAL (3) | | | | (\$) |

| SUBMITTED BY | | Complete (if applicable) | | |
|-------------------|--------------------------------------|--------------------------------------|---------------|------------------------|
| Name (Print/Type) | Lance K. Ishimoto | Registration No. (Attorney/Agent) | 41,866 | Telephone 281-863-3333 |
| Signature | Lance K. Ishimoto by David W. Hoblin | DAVID W. HOBLIN REG. NO. 41,071 | Date 10/10/01 | |

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Friddle *et al.*

U.S. Ser. No.: to be assigned Attorney Docket No.: LEX-0251-USA

Filing Date: October 10, 2001

For: Novel Human Ion Channel
Protein and Polynucleotides Encoding
the Same

VERIFIED STATEMENT

Box Patent Application
Commission for Patents
Washington, D.C. 20231

Sir:

I, DRENDA D. THOMAS, do declare and state as follows:

1. I prepared a Sequence Listing in paper and computer readable form under 37 C.F.R. Sec. 1.821-1.825 in connection with the above-captioned patent application, both of which are being submitted herewith.

2. I hereby state that the contents of the paper and computer readable copies of the Sequence Listing are the same.

Signed,



Drenda D. Thomas

October 10, 2001
Date